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RUEHLO/AMEMBASSY LONDON PRIORITY 5355
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3677
RUEHNY/AMEMBASSY OSLO PRIORITY 5280
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0141
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0811
RUEHKO/AMEMBASSY TOKYO PRIORITY 4402
RUEHCG/AMCONSUL CHENNAI PRIORITY 9826
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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 000017

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SUBJECT: FATEFUL STEP: MAIN TAMIL PARTY ANNOUNCES SUPPORT
FOR FONSEKA

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Classified By: AMBASSADOR PATRICIA A. BUTENIS. REASONS: 1.4 (B, D)

¶1. (C) On January 6, leader of the Tamil National Alliance (TNA) R. Sampanthan formally announced the TNA's support for common opposition candidate General Fonseka. Addressing a packed news conference at parliament, Sampanthan said the TNA had consulted both candidates over the last several weeks and had found that Fonseka responded to their concerns better than President Rajapaksa. Sampanthan said that Rajapaksa holding office for another term would be in the interests of neither the country as a whole nor the Tamil-speaking people in the north and east and enumerated a list of concerns. These included the government's failure to promote reconciliation or to find an acceptable political solution to the national question, delays, Sampanthan argued, undertaken purposefully to enable the Rajapaksa government to implement a "hidden agenda" to marginalize Tamils. He also called Rajapaksa's performance on human rights and humanitarian issues "dismal," noting that extra-judicial killings and enforced disappearances had been common, mandatory constitutional provisions had been violated, and the enforcement of law and order had "collapsed." Thus, "the rule of law and good governance have reached the nadir."

¶2. (C) Sampanthan said little about General Fonseka and the opposition in his public statement other than to confirm that the TNA had found their positions on issues related to the Tamil community much better than Rajapaksa's and that the TNA would support the general. The government-controlled press the next day was scathing in criticizing the TNA announcement as "another sell-out" and in accusing the TNA of having arrived at a secret deal with

Fonseka and the "LTTE diaspora" that would undermine the gains of the war victory. Sampanthan denied any secret deal was made, but Fonseka did formulate a "Programme of Immediate Relief Measures for War Affected Persons and Areas or Peace," outlining his plans for the north and east, which undoubtedly helped solidify the TNA's backing. (NOTE: Sampanthan provided a copy of the program signed by Fonseka to Ambassador, noting that we were one of a few foreign missions to receive a copy. The full text of the program is provided below in paragraph 5. END NOTE.) The program includes such measures as de-militarization, decentralization of political authority, re-settlement and rehabilitation of all IDPs, demining, restoration of private land holdings, payment of compensation to those who lost property, restoration of transport services, relief packages, general amnesty and rehabilitation of former fighters, and termination of the state of emergency. There was no mention in the program of accountability for war crimes.

13. (C) Attached to the program was also an addendum dealing with broader constitutional questions and the political devolution of power (see paragraph 6 below for full text.). The addendum was signed by General Fonseka and leader of the United National Front Ranil Wickremesinghe but not Sampanthan. The addendum promised genuine power-sharing on a basis acceptable to the Sinhala, Tamil, Muslim, and Burgher communities and noted that power-sharing would take place both at the center and in the periphery. It noted that in the "North-East" -- a term chosen to highlight the unification of the two regions, which have been de-linked under the Rajapaksas -- local executive, legislative, and judicial bodies would share responsibilities with the center except in certain key areas, such as national defense, monetary policy, immigration, etc.

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COMMENT

14. (C) We saw Sampanthan several times in the period leading up to and following his announcement of support for Fonseka and know that the decision weighed greatly upon him. The stakes are very high for the Tamil community, which has gained new-found clout in the split in the Sinhala vote between Rajapaksa and Fonseka but also has much to lose. Sampanthan told Ambassador he agonized over the decision but ultimately had to face squarely the fact that Rajapaksa had done nothing for Tamils beyond releasing the IDPs. When we asked him whether he feared retaliation by the Rajapaksas, Sampanthan mentioned concerns for his personal safety but said the Tamil community so far had gotten nothing from the Rajapaksas and did not believe the president's statements that he would take positive steps on reconciliation and a political solution after elections. Sampanthan also told us he hoped his announcement would not only galvanize Tamils to vote for Fonseka but also would convince others that Fonseka had a real chance of winning. While we will not know until election day whether these hopes will be realized, indications are that a Fonseka victory appears more possible each day. END COMMENT.

15. (C) The following is the full text of the Fonseka program for the north and east provided to Ambassador by Sampanthan. Grammatical irregularities are preserved from the original.

BEGIN TEXT OF PROGRAM

PROGRAMME OF IMMEDIATE RELIEF MEASURES FOR WAR AFFECTED PERSONS AND AREAS FOR PEACE BY THE COMMON PRESIDENTIAL CANDIDATE, SARATH FONSEKA

1I. Restoration of Civil Administration and Normalcy

¶1. Full restoration of all institutions of Civil Administration from the Office of Grama Sevaka upwards -- free from Military, Police and Political interference.

¶2. Committees for each District headed by the respective District Secretary (GA) and comprising:

- Nominee of the President
- Divisional Secretaries
- Other Officials (Representatives of such Officials)
- Members of Parliament/Their Representatives
- Representatives of Local Authorities
- Judicial Officers
- Security Forces/Commanders/Officers North/East
- DIG -- Police /Officers
- Civil Society Representatives

To prepare Plan of Action for immediate implementation within one month
Monthly Reports on progress to be submitted to the President, Cabinet and Parliament.

A dedicated Secretariat to be established under the President to monitor progress and ensure implementation.

¶3. The immediate measures stated herein to be implemented through Presidential Orders, including appointing Presidential Task Forces therefor.

¶4. Security Forces to be stationed at strategic locations only, taking into consideration national security. High Security Zones to be dismantled in keeping with the

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re-location of the Security Forces.

¶5. Free movement of all persons to be guaranteed without being impeded by Security and Police personnel.

¶6. Police to be manned, as far as practicable, by Officers who are conversant in Tamil.

II. Prohibition of 'para-military cadres' and armed groups (self-styled 'War Lords')

¶1. All 'para-military cadres' and armed groups to be disarmed forthwith.

¶2. Areas of civilian activity to be free of weapons.

¶3. Except the Security Forces and Police, only persons with permits under the Firearms Ordinance would be entitled to possess firearms.

III. Re-settlement and rehabilitation of internally displaced persons

¶1. De-mining of areas to be speedily concluded through De-Mining Units.

¶2. Displaced persons to be returned to their original homes, and where homes have been destroyed alternative accommodation to be provided, with financial support to establish themselves and develop livelihoods.

¶3. Social infrastructure requirements, such as provision of essential Foods, Medical Centers, Hospitals, Schools, Transport etc to be provided.

IV. Land and Agriculture

¶1. Restoration of possession of private land and buildings,

now occupied by Security Forces/Police/ Government Agencies, to those lawfully entitled to such land and buildings.

¶2. Committees referred to in 1.2 above to arrange for such restoration.

¶3. Committees to submit a Scheme to the Government for payment of compensation for damage caused to buildings.

¶4. a. Eviction of persons legitimately entitled to State Land from such Lands; b. Other instances of deprivation of legitimate title holders of State Lands; and c. Unlawful occupation of State Lands to be reviewed and the position regularized on lawful and just basis.

¶5. Indiscriminate alienation of State Lands to be terminated. Allocations thus far made to be reviewed and cancelled, where such allocation

- has not been transparent, or
- lacked equal opportunity to all concerned, or
- lacked proper consultation with the elected Representatives of the areas concerned, or
- are unwarranted, or
- has been on a corrupt basis.

¶6. Relief packages for full cultivation of lands.

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¶7. A special law to be enacted to decide on disputes, as to ownership and succession of lands.

¶V. Fisheries

¶1. Full restoration of fishing rights.

¶2. Joint Committees to be set up of Representatives of those engaged in the fishing industry and the Navy to ensure security.

VI. Trade and Commerce

¶1. All barriers in respect of transport of passengers, goods, agricultural and fisheries produce to be eliminated forthwith.

¶2. No payments ('Kappang') to be levied by anyone. Stringent action to be taken against those who do so.

VII. Transport

¶1. Trains service to be restored, without delay, within the Jaffna peninsula, i.e. Elephant Pass to Point Pedro.

¶2. All impediments for shipping and air transport to be removed, with effective facilities which would ensure a reduction of costs and shipping and air transport.

¶3. Establishment of a new rail line, with private sector participation, from Point Pedro to Trincomalee.

VIII. Special Relief Packages

¶1. For dependents of all persons who have lost their lives during the war, including military and police personnel, and civilians.

¶2. For persons disabled as a result of the war.

IX. Persons in Detention

¶1. Release of all persons in detention, within a period of one month against whom there is no evidence, and on the basis that such detention would not be a stigma or setback for their future.

¶2. Rehabilitation of those persons, who had been engaged in war activities, on the basis of a general amnesty.

¶X. [State of Emergency]

As an overall measure affecting all Sri Lankans, the State of Emergency presently in force and the Regulations made thereunder to be terminated, since it affects the liberties and fundamental rights of all People, in accordance with my Pledges.

END TEXT OF PROGRAM

¶6. (C) The following is the text of the addendum to the program dealing with devolution of political power. Grammatical irregularities are preserved from the original.

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BEGIN TEXT OF ADDENDUM

Sri Lanka is an indivisible state committed both to protecting its territorial integrity and to genuine power sharing on a basis acceptable to Sinhala, Tamil, Muslim and Burgher communities. Each unit of government will be supreme in its areas of competence. Power sharing will take place both at the Center and the periphery.

In the North-East genuine power sharing of powers of governance with executive, legislative and judicial powers over a wide array of subjects, not including national defense, foreign affairs, monetary policy, national budget, elections to the Office of President and Parliament, immigration and emigration, major ports and harbours, and acceptable to the Tamil speaking peoples with adequate financial and fiscal powers is necessary. The North East should have Council/Councils acceptable to the Tamil speaking peoples namely Tamils and Muslims and the Sinhalese living in the East shall be established in accordance with the law. All provinces will have competence over land, law and order and its other areas exclusive of those areas reserved only for the Center. Appropriate institutions should be in place to secure and advance meaningful sharing of power and the pluralistic character of the State.

It is accepted that the experience of the country over the last few decades in respect of initiatives embarked upon to delineate the basic aspirations and principles in the matter of power sharing shall be drawn upon in the formulation of detailed provisions.

The demarcation between the central and regional powers will be worked out in detail between the parties on the basis of the fundamental principles stated above.

END TEXT OF ADDENDUM

BUTENIS